



Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)  
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**OFFICE OF PETITIONS**

In re Application of :  
Kent Kuohua Chang :  
Application No. 09/683,324 : **ON PETITION**  
Filed: 19 December, 2001 :  
Attorney Docket No. MXIP0085USA :

This is a decision on the petition filed on 19 December, 2001, under 37 CFR 1.132 requesting that the above-identified application be accorded a filing date of 19 December, 2001, with 13 pages of specification, including 17 claims, and five (5) sheets of drawings deposited on 19 December, 2001, as the original disclosure.

The petition is **GRANTED**.

#### BACKGROUND

The application was filed in the United States Patent and Trademark Office (USPTO) via the USPTO's Electronic Filing System (EFS) on 14 December, 2001. On 19 December, 2001, the present petition was filed, accompanied by 13 pages of specification, including 17 claims, and five (5) sheets of drawings. Petitioner assert that due to an error on the part of counsel, resulting from counsel's lack of familiarity with the EFS, petitioner's counsel did not file on 14 December, 2001, the specification, including claims, and drawings which were intended to be filed on that date. Rather, petitioner asserts, an error occurred when files pertaining to the same inventor were inadvertently "swapped" during the filing of the application. Petitioner notes that the title of the present application is "METHOD OF FABRICATING A MOS TRANSISTOR WITH LOW GATE DEPLETION" while the title on the first page of the specification as filed is "METHOD

OF FABRICATING A MOS TRANSISTOR WITH A SHALLOW JUNCTION", as evidence that the wrong specification was filed with the application. Petitioner continues that the drawings and declaration filed on 14 December, 2001, also do not pertain to the correct application.

Petitioners submitted the desired application with the present petition, and ask that the application be processed and examined using the filing date of 19 December, 2001, the date the desired application papers were filed.

This application will be returned to the Office of Initial Patent Examination for reprocessing with a filing date of 19 December, 2001, using the 13 pages of specification, including 17 claims and one (1) page of abstract, and five (5) sheets of drawings filed with the present petition on 19 December, 2001, and for an indication on the bib-data sheet that five (5) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.



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